

LITTLE HOOVER COMMISSION

Testimony on Juvenile Justice Realignment

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On August 24, 2007, the California Legislature enacted one of the most sweeping changes to the way juvenile offenders will be managed in the juvenile justice system since the California Youth Authority Act was implemented in 1941. At that time, the Legislature believed that state-level coordination of services was the way to make administration of juvenile justice more effective. Ironically, in 2007, the Governor and the Legislature have turned to counties in pursuance of this same goal. A number of factors over time led to the challenges ultimately faced by the Division of Juvenile Justice (DJJ), formally known as the California Youth Authority (CYA). But the important result is that now counties – probation departments in particular – are responsible for housing, supervising and providing treatment services for a class of offenders that formerly would have been under the jurisdiction of the Division of Juvenile Justice.

The process of implementing the mandates and provisions of Juvenile Justice Realignment has been – and continues to be – a challenge. Senate Bill 81, which made Juvenile Justice Realignment effective September 1, 2007, created multiple legal and procedural questions among probation departments, the Juvenile Court, DJJ and other justice system stakeholders. Assembly Bill 191, the Corrections Reform trailer bill,

provided much-needed clarification to its vague predecessor, but lack of clarity and omissions remained.

Compounding the intensity and complexity of local efforts to work out procedural and other issues not adequately addressed in the legislation was the severely compressed timetable for implementing Juvenile Justice Realignment. Senate Bill 81 was chaptered only six weeks before its September 1, 2007 effective date in which it became law.

Role of Sacramento County Probation Department

Although local justice system stakeholders did not have broad based input during the Juvenile Justice Realignment legislative drafting process, providing Probation Departments' state-wide the opportunity to, at some level, review the legislation would have helped to clarify much needed provisions and greatly assisted in expediting the Juvenile Justice Realignment. As it is, Sacramento County Probation invested extraordinary resources in numerous meetings internally, in addition to meetings with DJJ and the Juvenile Court to help clarify the many legal, procedural and logistical issues not adequately addressed in the legislation. This information sharing, education and problem solving will continue among all parties involved to ensure realignment moves forward with minimal additional delay. Ensuring full, successful implementation of this new legislation will simply take time and commitment from all stakeholders.

Probation has become responsible as the lead agency for implementing Juvenile Justice Realignment within our jurisdiction. In this leadership capacity, my Department has coordinated with the Juvenile Court, District Attorney, law enforcement, the Public Defender, community based organizations, treatment providers, education, and placement service providers to craft inter-agency agreements and define processes, including enhancing and developing a plan to increase local service capacity. We have yet to receive communication or guidance from the Corrections Standards Authority (CSA) regarding the formulation of the statutorily mandated Juvenile Justice

Development Plan due for submission on or before January 1, 2008. Nonetheless, we are moving forward with developing our Juvenile Justice Plan.

Division of Juvenile Justice Returnee Population

The Juvenile Justice Realignment population affecting the local jurisdiction comprise of four groups of non-707(b) juvenile and young adults: offenders currently housed in DJJ facilities, offenders that are paroling from DJJ custody directly to probation, DJJ parolees returning as a result of a violation, and juvenile offenders that would have been committed to DJJ, but for this new legislation.

According to the most recent Parole Movement and Residence reports provided to Sacramento County Probation by DJJ, Sacramento Probation will be responsible for approximately 22 current parolees and 29 DJJ in-custody wards who will be paroled to probation supervision within the next three years. Of that total number, 20 in-custody DJJ wards are scheduled for parole within the next 12 months. The ages of DJJ returnees that Sacramento will be receiving range from 17 to 23 with 19.5 years being the mean age. These are all non-707(b) offenders¹ (hereafter referred to as 'DJJ returnees') and they will be integrated into probation services upon their DJJ parole date or upon a revocation of parole.

Characteristics of DJJ Offenders and Future Population

We know from case history information contained in social study reports prepared by Probation's juvenile court investigators that the vast majority of DJJ returnees present significant service requirements. These individuals typically come from highly dysfunctional families and have an extensive history of substance abuse issues, school failure, placement failure, and records reflecting numerous law violations. The types of

¹ The 707(b) designation refers to a section of the Welfare and Institutions Code that treats the most violent of youthful offenders and the most heinous of crimes and, among other things, provides that certain juveniles can or must be tried in adult court. While non-707(b) offenders as a class do not always reach this most extreme response of the justice system, they have an extensive history within the juvenile justice system and virtually exhausted every applicable service and intervention at the local level.

law violations range from vehicle theft and burglary to carjacking and arson. Some DJJ returnees with significant mental health issues and on previously prescribed psychotropic medications are returning to our jurisdiction. The vast majority of Sacramento's DJJ returnees, based upon their lengthy involvement in the juvenile justice system, have previously exhausted virtually every applicable service and intervention available at the local level. These returnees, more likely than not, are at a higher risk for recidivism. The Juvenile Court determined there were no remaining resources available to keep this population at the local level and therefore, these youths were initially committed to DJJ.

The number of non-707(b) juvenile offenders Sacramento County would have committed to DJJ in the **future** and for whom we must provide services is a number that, at this time, cannot be specifically identified. First and foremost, in our efforts to produce such a number, a sufficient amount of time would be necessary in order to collect and accurately evaluate data obtained from multiple sources. It would be necessary to 1) analyze local Juvenile Court records and probation documentation for past juvenile commitment data; 2) factor in historical trends related to local crime, disposition and demographics; 3) anticipate future trends in the same categories; and 4) assess the level of risk of offenders. Furthermore, accounting for changes in crime rate, population growth, prosecutorial and Juvenile Court philosophy, as well as court dispositional practices and alternatives must be factored into the total equation. In order to make a prediction of the **future** number of minors the Juvenile Court would have committed to DJJ, but for this legislation, it would be necessary to have, in place, a data collection system, coupled with a sufficient period of time for data collection efforts.

Furthermore, by strengthening the local juvenile justice system through the infusion of services and programs, it is anticipated that the potential numbers of this **future** population may be significantly reduced as increased treatment services for these offenders would be developed and provided at the local level. The number of such offenders is important but equally as important is providing the appropriate treatment services for the entire population within the juvenile justice system.

Development of Juvenile Justice Plan

Sacramento County has utilized an effective approach in planning for the local juvenile justice system. To assist in our development of the newly required Juvenile Justice Development plan, Sacramento Probation will build upon its successful history of collaborative planning through leadership provided by the Sacramento County Criminal Justice Cabinet (CJC). Our experience and well-established planning approach provides the coordinated leadership necessary to formulate cohesive and effective policies, plans, and programs based on evidence-based data-driven research and evaluation.

Sacramento Probation has conducted numerous system surveys, focus groups, strategic planning sessions, and community forums with a broad range of community service providers and juvenile justice stakeholders. Furthermore, our prior planning efforts have identified service providers, their locations, and client accessibility to services. The juvenile justice stakeholders are consulted in the planning process to determine the strengths and service needs of our local juvenile justice system.

Sacramento Probation will use our existing gap analysis and current stakeholder surveys, in part, to help develop our Juvenile Justice Development Plan. This plan will be designed to meet the needs of our DJJ returnees *and provide service enhancements to strengthen our local juvenile justice system.*

Juvenile Justice Plan: Immediate Actions

With the realignment of the DJJ population from the state to the local level, Sacramento Probation has identified immediate service needs for these young adult offenders. The following services and programs are being reviewed for expansion or development to serve some of the DJJ returnee population: transitional living opportunities, vocational training, employment placement, educational assistance, family support, parenting

skills, mental health services, and substance abuse treatment. Sacramento Probation is also exploring alternate and available housing options, including residential group home facilities that express willingness to accept these offenders. The prevalence of significant mental health or co-occurring mental health disorders, behavioral disorders, and serious substance abuse issues make DJJ returnees a population in need of extensive treatment services.

In addition to addressing the immediate needs identified above, Sacramento Probation's strategy to make maximum use of our Youthful Offender Block Grant allocation² will be to strengthen the juvenile justice system by filling gaps in our existing continuum of services and programs as necessary to meet the needs of DJJ returnees and to improve existing services and programs for the current local juvenile justice population. The use of Evidence Based Practices department-wide and by community providers will assist in addressing immediate and long-term goals in providing appropriate levels of programming and services to youthful offenders.

Juvenile Justice Plan: Evidence Based Practices

As part of the Juvenile Justice Development plan, we are committed to using an Evidence Based risk and needs assessment tool to help us identify risk levels associated with our DJJ returnee population. Evidence-Based Practices (EBP) are interventions for which there is consistent, scientific evidence demonstrating improved treatment outcomes and reduced rates of recidivism among offenders. Research indicates targeting criminogenic risk factors directly related to an individual's criminal

² The purpose of the Youthful Offender Block Grant is to enhance the capacity of county probation, mental health, drug and alcohol, and other county departments to implement an effective continuum of response to juvenile crime and delinquency. Specifically, the grant is intended to cover the cost to local jurisdictions for providing services pursuant to juvenile realignment and to the juvenile offender population in general. Fifty percent of a county's block allocation is based on the number of its juvenile felony court dispositions, according to the most recent data compiled by the Department of Justice (DOJ), calculated as a percentage of the state total. The other 50% is based on the county's population of minors from 10 to 17 years of age, inclusive, according to the most recent data published by the DOJ, calculated as a percentage of the state total. The total block grant is calculated by the Department of Finance and amounts to \$117,000 per ward multiplied by the average daily population (ADP) for the year for wards who are not committed to the custody of the state and \$15,000 similarly multiplied for each parolee who is supervised by the county of commitment.

behavior, will lower the probability of re-offending. Criminogenic risk factors that are the strongest predictors of offending behavior include, but are not limited to: antisocial attitudes, associates, personality, and history of antisocial behavior. Our approach to effective programming would be placing high risk offenders with qualified and trained community service providers in order to target the offenders' criminogenic risk factors.

Juvenile Justice Plan: Current Capacity to Provide Programs and Services

To assist in identifying appropriate minors to be returned to the community in Sacramento County without jeopardizing public safety, we have begun utilizing a modernized, detention risk assessment tool, also known as the Detention Risk Assessment Instrument (D-RAI). Furthermore, in our continuous efforts to strengthen the juvenile justice system, Sacramento Probation extensively researched and implemented Evidence Based Practices during the past three years in the institutions, field services, and the community. Providing Evidence Based programs department-wide enables probationers to receive effective programming levels and at the same time, ensures compliance with general probation conditions by participating in anger management intervention or substance abuse treatment programs. Our experience in implementing Evidence Based Practices will assist us in identifying and working towards providing appropriate services to the youth in the juvenile justice system, including the DJJ returnee population.

In the Department's continuous efforts to implement Evidence Based Practices and reduce recidivism, young offenders housed within our commitment facilities (Youth Center and Boys Ranch) are taught cognitive based therapy curriculum, also known as Teaching Pro-Social Skills (TPS) and a gender specific program curriculum taught to female offenders. Cognitive behavioral therapy targets offenders' present behavior and alters their anti-social thought patterns. In addition to receiving this curriculum, mental health clinicians provide interventions to in-custody wards during crisis and non-emergency periods. Mental health clinicians, in conjunction with on-site recreational

therapists, assist in providing treatment readiness programming to offenders housed within our institutions.

In addition to cognitive based therapy provided in our institutions, it is also offered to offenders within the community. These services include: Functional Family Therapy, a family counseling program; Pathways to Self Discovery and Change, a substance abuse program; Parenting Wisely, a parenting skills program, and mental health support. In addition, sworn officers across the Department were trained in Evidence Based Practices, including becoming skillful at motivational interviewing techniques to increase offender engagement and motivation. The time spent one-on-one with offenders is critical toward promoting behavioral changes.

Sacramento Probation is moving forward in building its capacity to provide treatment to offenders within the institution and the community while at the same time, ensuring public safety through the use of Evidence Based Practices. We will use our experience, knowledge of programs, and EBP methods currently in place to develop our Juvenile Justice plan.

Juvenile Justice Plan: Risk and Needs Assessment Tool

Sacramento County is also moving toward use of a more current and sophisticated risk assessment tool. In order to determine the best method of probation intervention and apply proper case management tools for all probationers, including the returning DJJ population, Sacramento Probation has identified a customized 4th generation risk and needs assessment tool known as PACT, Positive Achievement Change Tool, to be used in Sacramento County early next year. By applying this tool, we will be able to identify a precise level of treatment and service for each offender. We will also be able to develop case plans specifically tailored to address offenders' criminogenic risk and needs. Full implementation of Evidence Based Practices includes training and partnering with community providers to deliver effective treatment services for both, juvenile and adult programs, with measurable outcomes.

Juvenile Justice Plan: Building Upon Community Partnerships

Sacramento Probation will continue to consult with treatment providers during our planning process. The community holds important keys to social bonding that an offender must have access to such as, housing, mentorships, family support, recreation, and faith based community participation. The full creation of competency based criteria programs delivered by local community based providers must be research based, validated, cognitive behavioral curriculum.

Sacramento Probation will ensure community based providers implement effective programming through training and requiring performance based contracting. Such safeguards will provide Sacramento Probation the ability to evaluate outcomes around risk reduction. Holding community providers accountable with services and performance outcomes will assist in effectively treating both, the DJJ returnees and the juvenile justice population as a whole.

Summary

With the passage of the Juvenile Justice Realignment, the nature and scope of juvenile community corrections drastically changes. Sacramento Probation is privileged to assume a local leadership position in this historical change within the juvenile justice system. Full implementation of the realignment from the state to the local level will ultimately take time and involves the continuous input of stakeholders to effectively execute the various responsibilities of each agency. Sacramento Probation is committed to continue working collaboratively with all stakeholders, and assures our jurisdiction will be able to effectively manage and treat our new DJJ returnee population while also, strengthening the juvenile justice system overall.